



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

October 27, 1975

The Honorable Fred Galindo
Criminal District Attorney
Cameron County Courthouse
Brownsville, Texas 78520

Opinion No. H- 724

Re: Authority of county judge to
reject bids under article 1659,
V. T. C. S.

Dear Mr. Galindo:

You have requested our opinion concerning whether a county judge, acting alone, may reject bids pursuant to article 1659, V. T. C. S.

Article 1659 governs the procedure for competitive bidding in most counties where the value of the goods or supplies to be purchased does not exceed \$3000.00, and provides in part:

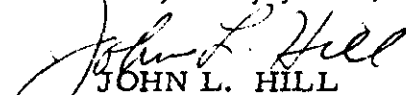
Copies of all bids received shall be furnished by the county auditor to the county judge and to the commissioners court; and when the bids received are not satisfactory to the said judge or county commissioners, the auditor shall reject said bids and readvertise for new bids. (emphasis added)

Article 1659 clearly provides for rejection on the basis of a determination by the county "judge or county commissioners." Where the language of a statute is unambiguous, and its meaning is clear, the statute will be construed and given effect according to its terms. 53 Tex. Jur. 2d Statutes § 164, and authorities cited therein. In addition, statutes such as article 1659 must be complied with in order to create a valid contract. Wyatt Metal & Boiler Works v. Fannin County, 111 S. W. 2d 787 (Tex. Civ. App. --Texarkana 1937, writ dismiss'd.); Limestone County v. Knox, 234 S. W. 131 (Tex. Civ. App. --Dallas 1921, no writ). Accordingly, in our opinion article 1659 authorizes a county judge to reasonably reject bids submitted under its provisions.

SUMMARY

Article 1659 authorizes a county judge to reasonably reject bids submitted under its provisions.

Very truly yours,

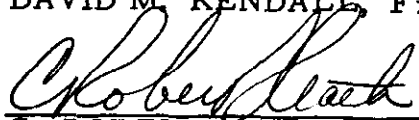

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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jad: